

## **EXHIBIT B**

VOL. VI PG. 898

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MASSACHUSETTS

3  
4 TERRI PECHNER-JAMES  
and SONIA FERNANDEZ,  
5 Plaintiffs

VS. VOLUME VI  
C.A. NO. 03-12499-MLW

6  
7 CITY OF REVERE; THOMAS  
AMBROSINO, MAYOR; CITY OF  
8 REVERE POLICE DEPARTMENT,  
TERRENCE REARDON, CHIEF;  
9 BERNARD FOSTER, SALVATORE  
SANTORO, ROY COLANNINO,  
10 FREDERICK ROLAND, THOMAS DOHERTY,  
JOHN NELSON, JAMES RUSSO,  
11 MICHAEL MURPHY, and STEVEN FORD,  
Defendants

12

13

14

15 CONTINUED DEPOSITION of TERRI

16 PECHNER-JAMES taken at the request of the  
17 defendants pursuant to Rule 30 of the Federal  
18 Rules of Civil Procedure before Nancy A.  
19 Diemdowicz, Registered Merit Reporter, a  
20 notary public in and for the Commonwealth of  
21 Massachusetts, on May 25, 2006, commencing at  
22 10:08 A.M. at the offices of Reardon, Joyce &  
23 Akerson, 397 Grove Street, Worcester,  
24 Massachusetts.

McCARTHY REPORTING SERVICE WORCESTER, MA  
(508)753-3889 (IN MASS) 1-800-564-3889

VOL. VI PG. 899

1

2 A P P E A R A N C E S:

3

FOR THE PLAINTIFFS:

4

JAMES S. DILDAY, ESQ.

5

GRAYER & DILDAY LLP

27 School Street

6

Boston, Massachusetts 02108

7

FOR THE DEFENDANTS, CITY OF REVERE; THOMAS

8

AMBROSINO, MAYOR; CITY OF REVERE POLICE

DEPARTMENT, TERRENCE REARDON, CHIEF:

9

WALTER H. PORR, JR., ESQ.

10 Office of the City Solicitor

City Hall

11

281 Broadway

Revere, Massachusetts 01251

12

13 FOR THE DEFENDANTS, BERNARD FOSTER, SALVATORE

SANTORO ROY COLANNINO, FREDERICK ROLAND,

14

THOMAS DOHERTY, JOHN NELSON, JAMES RUSSO,

MICHAEL MURPHY AND STEVEN FORD:

15

MICHAEL J. AKERSON, ESQ.

16

REARDON, JOYCE & AKERSON, P. C.

397 Grove Street

17

Worcester, Massachusetts 01605

18

19

20

21

22

23

24

VOL. VI PG. 900

I N D E X

DEPONENT: TERRI PECHNER-JAMES

PAGE

CONTINUED EXAMINATION BY MR. PORR 901

EXHIBITS

PAGE

15. Patient History & Physical Exam 910  
16. Affidavit - Exhibit 18 922  
17. Affidavit - U.S. District Court 923  
18. Photocopy of Photograph 1007  
19. Photocopy of Photograph 1011  
20. Photocopy of Photograph 1013  
21. Memorandum dated 12/21/98 1073  
22. Sonia Fernandez Supplementation 1136  
of Interrogatories

VOL. VI PG. 901

1 MR. PORR: We're back on the record  
2 with the deposition of Terri Pechner.

3 CONTINUED EXAMINATION BY MR. PORR:

4 Q. Good morning, Ms. Pechner.

5 A. Good morning.

6 Q. You understand that you're still  
7 under oath?

8 A. Yes, I do.

9 Q. Okay. Have you taken any  
10 medication this morning?

11 A. Yes, I have.

12 Q. What have you taken?

13 A. Synthroid and Paxil.

14 Q. The Synthroid, is that an  
15 artificial thyroid type medication?

16 A. Yes.

17 Q. All right. And the Paxil you take  
18 for what condition?

19 A. PTSD.

20 Q. Okay. How are you feeling this  
21 morning?

22 A. Lousy.

23 Q. Okay. And when you say "lousy,"  
24 what do you mean by that?

VOL. VI PG. 986

1 A. Okay. And your question?

2 Q. So the last day you had worked for  
3 Lieutenant Foster, as of September 1, was a  
4 half day on the 27th of August?

5 A. I don't recall.

6 Q. Well, you didn't work for  
7 Lieutenant Foster on the 28th or 29th, those  
8 were your days off?

9 THE WITNESS: Can we take a break?

10 MR. PORR: Sure. By all means.

11 (Recess taken from 12:00 P. M. to  
12 12:15 P. M.)

13 Q. What I was trying to establish as a  
14 lead in to some follow-up questions is, On  
15 September 1, when you traded shifts with  
16 Officer Macaskill and you worked a PM shift,  
17 that enabled you to work a shift without being  
18 under Lieutenant Foster's supervision,  
19 correct?

20 A. Correct.

21 Q. All right. So the 28th was your  
22 day off, of August, the 29th of August was  
23 your day off, the 30th you swapped shifts so  
24 you didn't have to work for Lieutenant Foster,

VOL. VI PG. 1025

1 Q. The AM shift went from what?

2 Midnight to eight?

3 A. Yes.

4 Q. And then you were off until - what?

5 - 4:00 P. M., and then you came back from four  
6 to midnight?

7 A. Yes.

8 Q. Okay. How long did you work the  
9 split shift, platoon one, group two? You got  
10 there October 12 of '97, from the day shift.

11 How long did you stay on the split  
12 shift?

13 A. Until sometime in '99.

14 Q. Okay. And then did you go back to  
15 the days?

16 A. Yes.

17 Q. Okay.

18 MR. PORR: Mr. Dilday, I'm ready to  
19 move on to another paragraph and whatnot.

20 It's 1:05. Shall we take our lunch break now?

21 MR. DILDAY: Might as well.

22 MR. PORR: Okay.

23 MR. DILDAY: So we'll be back at  
24 about 2:05.

VOL. VI PG. 1026

1 MR. PORR: Sure.

2 MR. DILDAY: Okay.

3 (Luncheon recess taken from  
4 1:05 P. M. to 2:15 P. M.)

5 (Talya Yaylaian sits in for  
6 Mr. Akerson.)

7 MR. PORR: We're back on the  
8 record. Madam reporter has been spending the  
9 last five, ten minutes working on her laptop,  
10 which seems to be not cooperating with her,  
11 but her stenographic machine is working just  
12 fine, so I'm told we'll have a record and  
13 we're okay. All right.

14 Q. Ms. Pechner, I'd like you to look  
15 at page 7 of your personal notes. It's right  
16 there. By the way, how are you feeling right  
17 now?

18 A. Okay.

19 Q. And was the lunch break good?

20 A. Yup.

21 Q. All right. Great. And I'd like  
22 you to look at the big paragraph in the middle  
23 of the page, and, in particular, I'd like you  
24 to look at the first several sentences that



VOL. VI PG. 1072

1 A. I'm sure we will.

2 MR. DILDAY: Can we take a  
3 30-second break to go to the men's room?

4 MR. PORR: Oh, sure.

5 (Recess taken from 3:05 P. M. to  
6 3:06 P. M.)

7 Q. Ms. Pechner -- I guess you prefer  
8 James?

9 A. Yes.

10 Q. Okay. I apologize. Because the  
11 majority of the documents have your maiden  
12 name Pechner so that's what I've been going  
13 off of.

14 I placed in front of you your  
15 affidavit which we marked as Exhibit 16, ask  
16 you to look at paragraph 39 on page 10. Do  
17 you see that?

18 A. Yes.

19 Q. The first two sentences state that  
20 Sergeant Doherty did not disapprove of  
21 profanity. He disapproved only when it was  
22 used by female officers.

23 Is that a reference to what we have  
24 here on page 7 of your notes in the second

VOL. VI PG. 1111

1                   Should that be April 13? Because  
2   the accident happened on March 14, so I'm  
3   confused about --

4           A.     I am, too.

5           Q.     So, I mean, was it April 13 or  
6   should it be March 23 or can you --

7           A.     It could have been April 13th.  
8   It's obviously human error.

9           Q.     No. I understand that. I'm just  
10   trying to correct it, if we can.

11          A.     Yeah. I would say April.

12          Q.     All right. Who's the primary care  
13   physician you're referring to that you went to  
14   when you say "on March 13 I went to my primary  
15   care physician"?

16          A.     Dr. Wald, Deborah Wald.

17          Q.     Where was she located?

18          A.     Mass. General in Revere.

19                 MR. PORR: All right. We've been  
20   going at it for quite a while. It's four.  
21   Can we take like a five-minute break here?

22                 MR. DILDAY: Sure. That's fine.

23                 MR. PORR: I'm going to go to the  
24   next page of your notes. Pick up there.

VOL. VI PG. 1112

1 (Recess taken from 3:55 P. M. to  
2 4:07 P. M.)

3 Q. So I indicated I wanted to look at  
4 page 8 of your notes and there's a June '98  
5 entry. Okay? Do you see that?

6 A. Yes.

7 Q. All right. And have you had a  
8 chance to review that? I mentioned that's  
9 what we'd be talking about next.

10 A. No.

11 Q. Okay. Can you take a second to  
12 review it real quick?

13 A. (Looks at document.) I reviewed  
14 it.

15 Q. Okay. What did you understand by  
16 Lieutenant Santoro and Sergeant Goodwin's  
17 comment to you that captains Chaulk and  
18 Colannino seemed to think there was something  
19 more than a professional relationship going on  
20 between the three of you? You being yourself,  
21 Sergeant Goodwin, and Lieutenant Santoro.

22 A. I'm confused by -- what did I  
23 understand?

24 Q. Yeah. In other words, Lieutenant

VOL. VI PG. 1152

1 years ago. I don't remember. I saw -- saw  
2 it. I remember speaking to Lynn like it was  
3 the back of my hand.

4 Q. Was the letter addressed to you or  
5 addressed to the investigator?

6 A. I don't -- I don't remember.

7 Q. Okay. Does your investigator have  
8 a copy of her letter?

9 A. You could ask him. I mean --

10 Q. Do you know?

11 A. No.

12 Q. Okay.

13 MR. PORR: I have five. That clock  
14 says a couple minutes before. What time do  
15 you have, Mr. Dilday?

16 MR. DILDAY: I have five on the  
17 dot.

18 MR. PORR: Okay. I have just --  
19 let me just look here, if I can, real quick.

20 Q. Looking at your MCAD complaint, is  
21 there any reference to the chalk drawing  
22 alleged in paragraph 96 of your MCAD  
23 complaint?

24 A. No.

VOL. VI PG. 1153

1 Q. Any reference in the amended MCAD  
2 complaint?

3 A. No.

4 Q. Why not?

5 A. I don't know.

6 MR. PORR: Okay. Well, it's five,  
7 and I suspect we should adjourn, and tomorrow  
8 we're here with Sonia Fernandez.

9 MR. DILDAY: Tomorrow with Sonia.  
10 I won't be here, but Dawn will be here.

11

12

13 (The deposition then adjourned.)

14

15

16

17

18

19

20

21

22

23

24